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In the drawings:

Please amend FIG. 1 to reflect a grammatical and reference error. Particularly, the element entitled "STOP-COMFIRMING UNIT" referenced as element number "113" is now amended to --STOP-CONFIRMING UNIT-- referenced as element number --113¹--.

Attached hereto is a paper entitled "PROPOSED DRAWING CORRECTIONS" with attached copies of drawing figures marked in red.

REMARKS

The specification has been amended in several locations to correct spelling and grammatical errors. No new matter has been introduced.

Claims 1-3, 5-9 and 11-14 are currently pending in the application.

Claims 1 has been amended to correct an informality raised by the Examiner. No new matter has been introduced.

Claim 1 has been rejected as being anticipated by U.S. Patent 5,797,089 to Nguyen. Claims 1-3 have been rejected as being unpatentable over Japanese Patent 11-308163 to Atsushi in view of U.S. Patent 5,950,139 to Korycan. Claim 5 has been rejected as being unpatentable over Atsushi in view of Koycan and further in view of U.S. Patent 6,262,686 to Delarminat and further in view of U.S. Patent 6,167,288 to Ishihara. Claims 6-9 and 12 have been rejected as being unpatentable over Atsushi in view of Korycan and further in view of U.S. Patent 6,625,478 to Nonogaki. Claim 11 has been rejected as being unpatentable over Atsushi in view of Korycan and further in view of Nonogaki and further in view of Delarminat and further in view of Ishihara. Claim 13 has been rejected as being unpatentable over Atshishi in view of Korycan and further in view of Delarminat. Claim 14 has been rejected as being unpatentable over Atsushi in view of Korycan and further in view of Nongaki and further in view of Delarminat. Each of these rejections is traversed in view of the amendment above and the remarks below.

The present invention discloses a portable telephone with a function that allows a person to use it in a noncommunicative mode even if the portable telephone is prevented from functioning in a communicative mode. The present invention further discloses notifying the user and others of the portable telephone's noncommunicative function via a light-emitting diode (LED) mode-indicator lamp situated on its exterior antenna. This function of the present invention is particularly important in sensitive areas (e.g., hospitals) where use of a communicative function could be potentially damaging to electrical activity in such areas.

None of the references cited by the Examiner, either individually or in combination, teach the use of a mode-indicating LED lamp situated on a portable telephone's exterior to notify the user and others that the phone is being used in a noncommunicative mode.

While the Examiner is substantially correct in that Nguyen discloses a personal communication terminal that can interchange between communicative and noncommunicative modes by the push of a button, it is respectfully submitted that Nguyen does not show or recognize the importance of situating a PDA/telephone light indicator (*i.e.*, mode-indicator) on the exterior portion of the unit. Particularly, Nguyen teaches the indicators (27, 28) to be situated next to their respective power switches and can "only be seen when the PDA is in the open position" (see column 4, lines 12-18 and FIG. 2 in Nguyen). The Examiner has acknowledged that the indicators in Nguyen can only be seen "when the terminal 10 is opened" (see page 3 of Office Action). In short, the "indicators" in Nguyen are not designed to be seen by others, and Nguyen does not perform the function contemplated by the present invention.

With regard to Atsushi, the Examiner has acknowledged that Atsushi "fails to teach indicating the non-communicative mode by lighting a lamp" (see page 3 of Office Action) and looks to Korycan, Delarminat, Nonogaki and Ishihara to supply this important missing feature. Each of these references will be addressed in turn; however, it should be understood that none of the references show or suggest a device where an external lamp can be used to notify others that a portable telephone is not being used for communications. Thus, any combination of references would not make the claimed invention obvious and the proposed constructions constitute impermissible hindsight.

Korycan teaches a portable radiotelephone with a signal quality indicator that is disposed in such a location so that it is in the periphery of the users vision (see abstract and FIGS. 2-5 of Korycan). These indicators are comprised of a plurality of multi-colored LEDs that are configured so that it displays the signal strength near the bottom edge of the radiotelephone thereby "more readily perceived by the user because it is within the user's peripheral vision" (see column 2, lines 16-55 of Korycan). As in Nguyen, the LEDs in Korycan are placed in such a way

as to be seen by the user and not by others. Furthermore, Korycan uses LEDs to display the signal strength and not the communicative function of the portable telephone.

Delarminat teaches an antenna for a radio communication device that can be easily installed by the user. Although this antenna is comprised of a LED (9), as noted by the Examiner (see page 5 of Office Action), Delarminat specifically teaches that the LED portion is to be placed inside of the radio communication transceiver (see column 2, lines 33-48, and FIG. 4 of Delarminat). Accordingly, the LED lamp in Delarminat cannot be seen by anyone, including the user. Furthermore, the LED lamp in Delarminat does not indicate the communicative function of a portable telephone.

Nonogaki teaches a multifunction wireless telephone whereby the user can determine the functioning mode by depressing a particular key (see abstract of Nonogaki). However, unlike the present invention, Nonogaki does not teach notifying the user, or others around the user, of the telephone's functioning mode by way of an LCD lamp situated at the top of the telephone's cabinet or on the exterior portion of its antenna.

Lastly, Ishihara teaches a portable telephone that has an exterior LED lamp situated at the bottom of the telephone that is used to indicate whether the telephone is "within bounds" or "out of bounds" (see column 1, line 52 through column 2, line 17, and FIGS. 3 and 4 of Ishihara). Ishihara does not use the LED lamp to indicate to the user and others whether the noncommunicative function is in use. Therefore, Ishihara clearly does not anticipate the present invention.

For the aforementioned reasons, it is respectfully submitted that one of ordinary skill in the art would not find it obvious to create the present invention set forth in claims 1-3, 5-9 and 11-14 by consulting any combination of the cited references. To modify an LCD lamp to be situated on the top of a portable telephone as disclosed in the present invention with the telephones as shown in the cited references would be an impermissible hindsight reconstruction since the purpose and operation of the cited references is completely different, and because cited references do not use an LCD lamp situated at a top of a cabinet or antenna of a portable telephone to notify the user and others that the phone is being used in a noncommunicative mode.

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Accordingly, it is respectfully submitted that the grounds of rejection based on the cited references are clearly in error and unsupported by the prior art relied upon. It is also respectfully submitted that the Examiner has not made and cannot make a *prima facie* demonstration of obviousness of any claim in the application based on these combinations of prior art. Therefore, it is respectfully requested that these grounds of rejection be reconsidered and withdrawn.

In view of the foregoing, it is respectfully requested that the application be reconsidered, that claims 1-3, 5-9 and 11-14 be allowed, and that the application be passed to issue.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

A provisional petition is hereby made for any extension of time necessary for the continued pendency during the life of this application. Please charge any fees for such provisional petition and any deficiencies in fees and credit any overpayment of fees to Attorney's Deposit Account No. 50-2041.

Respectfully submitted,



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